

**4-38-9 Investigation -- License denial and suspension -- Grounds for revocation -- Fines.**

- (1) The commission or its board of stewards of a recognized race meet, upon their own motion may, and upon verified complaint in writing of any person shall, investigate the activities of any licensee within the state or any licensed person upon the premises of a racetrack facility.
- (2) The commission or board of stewards may fine, suspend a license, or deny an application for a license.
- (3) The commission may revoke a license, if the licensee has committed any of the following violations:
  - (a) substantial or willful misrepresentation;
  - (b) disregard for or violation of any provisions of this chapter or of any rule promulgated by the commission;
  - (c) conviction of a felony under the laws of this or any other state or of the United States, a certified copy of the judgment of the court of conviction of which shall be presumptive evidence of the conviction in any hearing held under this section;
  - (d) fraud, willful misrepresentation, or deceit in racing;
  - (e) falsification, misrepresentation, or omission of required information in a license application to the commission;
  - (f) failure to disclose to the commission a complete ownership or beneficial interest in a horse entered to be raced;
  - (g) misrepresentation or attempted misrepresentation in connection with the sale of a horse or other matter pertaining to racing or registration of racing animals;
  - (h) failure to comply with any order or rulings of the commission, the stewards, or a racing official pertaining to a racing matter;
  - (i) ownership of any interest in or participation by any manner in any bookmaking, pool-selling, touting, bet solicitation, or illegal enterprise;
  - (j) being unqualified by experience or competence to perform the activity permitted by the license possessed or being applied for;
  - (k) employment or harboring of any unlicensed person on the premises of a racetrack facility;
  - (l) discontinuance of or ineligibility for the activity for which the license was issued;
  - (m) being currently under suspension or revocation of a racing license in another racing jurisdiction;
  - (n) possession on the premises of a racetrack facility of:
    - (i) firearms; or
    - (ii) a battery, buzzer, electrical device, or other appliance other than a whip which could be used to alter the speed of a horse in a race or while working out or schooling;
  - (o) possession, on the premises of a racetrack facility, by a person other than a licensed veterinarian of a hypodermic needle, hypodermic syringe, or other similar device that may be used in administering medicine internally in a horse, or any substance, compound items, or combination of any medicine, narcotic, stimulant, depressant, or anesthetic which could alter the normal performance of a horse unless specifically authorized by a commission-approved veterinarian;
  - (p) cruelty to or neglect of a horse;
  - (q) offering, promising, giving, accepting, or soliciting a bribe in any form, directly or indirectly, to or by a person having any connection with the outcome of a race, or failure to report knowledge of such act immediately to the stewards, the patrol judges, or the commission;
  - (r) causing, attempting to cause, or participation in any way in any attempt to cause the prearrangement of a race result, or failure to report knowledge of such act immediately to the stewards, the patrol judges, or the commission;

- (s) entering, or aiding and abetting the entry of, a horse ineligible or unqualified for the race entered;
  - (t) willfully or unjustifiably entering or racing any horse in any race under any name or designation other than the name or designation assigned to the animal by and registered with the official recognized registry for that breed of animal, or willfully setting on foot, instigating, engaging in, or in any way furthering any act by which any horse is entered or raced in any race under any name or designation other than the name or designation duly assigned by and registered with the official recognized registry for the breed of animal; or
  - (u) racing at a racetrack facility without having that horse registered to race at that racetrack facility.
- (4)
- (a) Any person who fails to pay in a timely manner any fine imposed pursuant to this chapter shall pay, in addition to the fine due, a penalty amount equal to the fine.
  - (b) Any person who submits to the commission a check in payment of a fine or license fee requirement imposed pursuant to this chapter, which is not honored by the financial institution upon which it is drawn, shall pay, in addition to the fine or fee due, a penalty amount equal to the fine.

Amended by Chapter 4, 1993 General Session  
Amended by Chapter 64, 1993 General Session